

Dean M. Harvey (SBN 250298)
Katherine C. Lubin (SBN 259826)
Adam Gitlin (SBN 317047)
Yaman Salahi (SBN 288752)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: (415) 956-1000
dharvey@lchb.com
kbenson@lchb.com
agitlin@lchb.com
ysalahi@lchb.com

*Attorneys for individual and representative
Plaintiffs Shonetta Crain and Kira Serna*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHONETTA CRAIN AND KIRA SERNA,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

ACCREDITED CASUALTY AND SURETY
COMPANY, INC., et al.,

Defendants.

Case No. 3:19-CV-001265-JST

CLASS ACTION

**DECLARATION OF DAVID H.
SELIGMAN IN SUPPORT OF
PLAINTIFFS' JOINT MOTION FOR
APPOINTMENT OF INTERIM CLASS
COUNSEL**

Date: June 6, 2019

Time: 2:00p.m.

Location: Courtroom 9

Judge: The Honorable Jon S. Tigar

STEVEN BREAUX, individually and on
behalf of all other similar situated individuals,

Plaintiff,

v.

ACCREDITED CASUALTY AND SURETY
COMPANY, INC., et al.,

Defendants.

Case No. 3:19-CV-00717-JST

1 I, David H. Seligman, declare as follows:

2 1. I am an attorney and director at Towards Justice, counsel for Plaintiffs Shonetta
3 Crain and Kira Serna in *Crain et al. v. Accredited Surety & Casualty Co., et al.*, Case No. 3:19-
4 cv-001265-JST (N.D. Cal.). I have personal knowledge of the facts herein and, if called upon to
5 testify to those facts, I could and would do so competently.

6 2. Towards Justice is a Denver-based non-profit law firm dedicated to attacking
7 systemic injustices that undermine the power of workers and consumers to achieve economic
8 mobility.

9 3. Attached as Exhibit A to this Declaration is a Firm Resume for Towards Justice.

10 4. While Towards Justice's litigation program initially focused on attacking wage
11 theft through conventional wage-and-hour litigation, it has substantially expanded in recent years
12 to include innovative cases brought under different legal frameworks, including several cases that
13 challenge anti-competitive practices and fraud used to undermine the power of poor people to
14 benefit from competitive markets.

15 5. For example, Towards Justice litigated the first recent putative class action case to
16 attack a no-hire clause in franchises agreements covering franchisees of fast-food restaurant
17 chains. *See Bautista, et al. v. Carl Karcher Enterprises*, BC649777 (L.A. Super. Ct.) (filed 2017).
18 That litigation spurred public and private enforcement around the country to address the issue at
19 other chains.

20 6. Towards Justice is also class counsel in a class action on behalf of approximately
21 100,000 childcare workers who have worked in the United States on J-1 *au pair* visas. *Beltran, et*
22 *al. v. Interexchange, Inc., et al*, 14-cv-03074-CMA-KMT (D. Colo.) (filed 2014). Similar to the
23 instant case, *Beltran* alleges, among other things, that the sponsor agencies that recruit and
24 employ those workers conspired with each other to fix wages at the minimum allowable by law
25 while also falsely representing that the minimum wage was in fact a mandated amount above
26 which employers could not depart.

27 7. I am an attorney and the Director of Towards Justice, and I am actively involved in
28 all Towards Justice's antitrust litigation. I also speak and write frequently on antitrust and

1 competition issues, particularly those affecting low-income consumers and low-wage workers.
2 *See, e.g.,* David Seligman, Harvard Labor & Worklife Program, *Having Their Cake & Eating It*
3 *Too: Antitrust Laws and the Fissured Workplace*, April 2018, available at <https://goo.gl/6QZkzP>.

4 8. Before coming to Towards Justice in 2015, I was a Staff Attorney at the National
5 Consumer Law Center in Boston, MA, where I performed policy advocacy and litigation on
6 behalf of low-income consumers.

7 I declare under penalty of perjury under the laws of the United States that the foregoing is
8 true and correct.

9 Date: May 1, 2019

10 /s/ David H. Seligman
11 David H. Seligman
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28